IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1216 OF 1986

Gargi Chemicals Pvt. Ltd., .. Plaintiffs.

vs.

Chandan Industries (India). .. Defendants.

Ms. H.H. Chande for plaintiffs.

None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 27th January,2006.

P.C.

. The present suit is filed for the recovery of a sum of Rs. 76,859.11 along with interest at the rate of 21% on the principal amount. 48,500/- The suit claim is based on the basis of the goods sold and delivered by the plaintiffs to a company known as Foundry Fluxes as agreed from time to time. It is the case of the plaintiffs that as per the orders and instructions of the defendants the said goods were supplied to the said firm and invoices were sent to the defendants. Invoices are accepted by the defendants but the defendants did not make payment nor furnished "C" form as required under the Sales-tax Act. Thus, the plaintiffs are also

entitled to sales tax paid by the plaintiffs on behalf of the defendants. The plaintiffs had addressed letter dated 26.4.1985, 23.5.1985 and 3.6.1985 demanding the payment but there was no payment except that the defendants expressed their financial difficulty. In light thereof, the present suit is filed. The defendants are served. Mr. P.K. B. Purohit has filed Vakalatnama for the defendants. However, none appears for the defendants. No written statement is filed. The plaintiffs have tendered original documents. The same are taken o record and marked Exhibit "A" collectively. In the aforesaid light of the matter, there shall be a decree in favour of the plaintiffs and against the defendants in the sum of Rs. 76,859.11 with further interest at the rate of 12% p.a. simple rate of interest from the date of the suit till payment and/or realisation. No order as to costs. Refund as per rules.